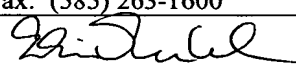





TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/770,693
		Filing Date	January 26, 2001
		First Named Inventor	Steven V. Beer
		Group Art Unit	1638
		Examiner Name	Anne R. Kubelik
Total Number of Pages in This Submission	3	Attorney Docket Number	19603/2501 (CRF D-2375-02)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Issue Fee Part B - Fees Transmittal Form <input checked="" type="checkbox"/> Fee Attached (\$1000.00) <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> A copy of the Notice to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input checked="" type="checkbox"/> Communication <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edwin V. Merkel, Esq. Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1128 Fax: (585) 263-1600
Signature	 Registration No. 40,087
Date	March 9, 2006

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) _____	
Date	<u>March 9, 2006</u>
 Signature Janice Bowers Typed or printed name	



PATENT

Docket No.: 19603/2501 (CRF D-2375-02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Beer et al.

Serial No. : 09/770,693

Cnfrm. No. : 6816

Filed : January 26, 2001

For : OOMYCETE-RESISTANT TRANSGENIC
PLANTS BY VIRTUE OF PATHOGEN-
INDUCED EXPRESSION OF A
HETEROLOGOUS HYPERSENSITIVE
RESPONSE ELICITOR

Examiner:
Ann R. Kubelik

Art Unit:
1638

COMMUNICATION

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In a March 9, 2006, phone conference between Examiner Kubelik and the undersigned attorney, the undersigned attorney informed Examiner Kubelik that the Notice of Allowance errantly omitted claim 71 from the list of allowed claims. Examiner Kubelik agreed, and indicated that an interview summary and a Revised Notice of Allowance would be generated and mailed.

Respectfully submitted,

Dated: March 9, 2006

Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1128
Facsimile: (585) 263-1600

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

March 9, 2006
Date

Janice Bowers